

REMARKS

In the Office Action mailed on May 19, 2003, the Examiner rejected claims 1 – 7 and 13 – 18. With this Amendment, claims 1, 2, 3, and 13 have been amended and claims 19 and 20 have been added. The application now includes claims 1 – 7 and 13 – 20.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1 – 4, 7, 13 – 16, and 18 under 35 U.S.C. § 102(e) as being anticipated by the Yeh patent. Applicant respectfully disagrees.

With this Amendment, Applicant has amended claims 1 and 13 of the present application to better define the invention. In particular, claims 1 and 13 have been amended to claim that each individual fiber is intertwined with adjacent fibers. The Yeh patent neither teaches nor suggests intertwined fibers or individual fibers contactable with the user as now claimed in the present application.

The Yeh patent describes a fabric for moisture management, as set forth by the Examiner. However, the construction and layout of the fibers of the Yeh patent are quite different than the fabric material and garment claimed in the present application. In fact, the Yeh patent actually teaches away from the claims of the present application. For instance, each of the embodiments described in the Yeh patent, columns 4, 5, and 6, require first and second fibers with the first fibers displayed on one surface of the fabric (the surface contacting the skin), and the second fibers are displayed on another surface of the fabric (the surface away from the skin). Each of the figures of the Yeh patent supports the Yeh patent's specification.

The fabric material and garment as claimed in the present application do not claim the uniform order of fibers as described in the Yeh patent. It is believed that removal of moisture from a user is better accomplished in the present invention by the intertwining of fibers. Each fiber that contacts the person draws moisture away from the person along that individual fiber. In fact, each fiber is able to transfer moisture all the way out to the outside surface of the fabric material within that same individual fiber. Individual fibers are also able to either pass moisture to, or receive moisture from, adjacent fibers. From the outside surface of the fabric, moisture is

free to evaporate rapidly due to the large surface area afforded by the exposed hollow, open-sided nature of the fibers.

Therefore, since the Yeh patent neither teaches nor describes the invention as claimed in the present application, it is respectfully requested that the rejection of claims 1 – 4, 7, 13 – 16, and 18 under 35 U.S.C. § 102(e) be withdrawn and that claims 1 – 4, 7, 13 – 16, and 18 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claim 6

In the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over the Yeh patent. Applicant respectfully disagrees.

The Examiner stated that it would have been obvious to make reversible garments constructed from the Yeh patent's fabric. As set forth above, this is not correct. The Yeh patent specifically states that fibers contacting the user have less capillarity than the fibers on the outside. Therefore, the Yeh patent teaches away from the claims of the present application.

Therefore, since the Yeh patent neither teaches nor describes the invention as claimed in the present application, it is respectfully requested that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn and that claim 6 be held allowable.

Claims 5 and 17

In the Office Action, the Examiner rejected claims 5 and 17 under 35 U.S.C. § 103(a) as being unpatentable over the Yeh patent and further in view of the Bengtsson et al patent. Applicant respectfully disagrees.

Applicant submits that claims 5 and 17 depend from claim 1 and claim 13, respectively. Since Applicant believes that claims 1 and 13 are allowable, it follows that claims 5 and 17 are also allowable.

Therefore, since neither the Yeh patent nor the Bengtsson et al patent either teach or describe the invention as claimed in the present application, it is respectfully requested that the rejection of claims 5 and 17 under 35 U.S.C. § 103(a) be withdrawn and that claims 5 and 17 be held allowable.

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance.
Reconsideration and allowance of claims 1 – 7 and 13 – 20 are respectfully requested.

Respectfully submitted,

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